

## LAW OFFICES OF

## EDELMAN, COMBS, LATTURNER &amp; GOODWIN, LLC

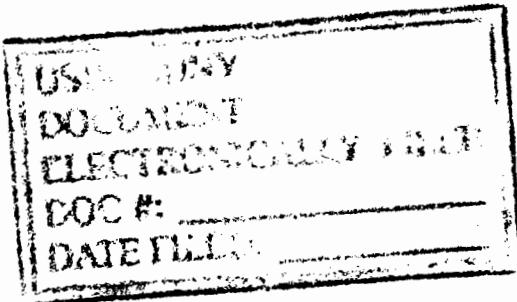
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June 7, 2010

MEMO ENDORSED

Having received no opposition, the Court grants the application. Plaintiff's Counsel to submit a proposed Order by 6/25/10.

SO ORDERED:  
Cathy Seibel  
Cathy Seibel, U.S.D.J.

Dated: 6/22/10

**VIA FACSIMILE**

The Honorable Cathy Seibel  
 The Hon. Charles L. Briant, Jr Federal Building and U.S. Courthouse  
 300 Quarropas Street  
 White Plains, NY 10601-4150  
 914-390-4278 (FAX)

**RE: Cleotilde Rock and Tracy Claxton v. Moss Codillis LLP, et al., No. 10 CIV 03106,  
 Plaintiff's Preliminary Motion for Class Certification**

Dear Judge Seibel:

I represent the plaintiffs in the above referenced matter. Plaintiffs are requesting that this Court enter an order determining that this Fair Debt Collection Practices Act ("FDCPA") action may proceed as a class action against defendants and request permission to file their motion and supporting memorandum of law. Plaintiffs further request that the Court (a) set a pre-motion conference pursuant to your individual rules of practice and (b) grant leave to pursue class discovery in support of their motion.

This case concerns form letters sent by Moss Codillis, LLP on behalf of American Home Mortgage Servicing, Inc. which did not disclose the identity of the person who presently owned the alleged debt described therein. Plaintiffs are proposing a class that consists of (a) all natural persons with New York addresses (b) to whom defendant Moss Codillis, LLP sent a letter seeking to collect a mortgage loan debt (c) in the form represented by Exhibit A to the Complaint (d) which letter was sent during a period beginning April 13, 2009 and ending May 13, 2010.

Plaintiffs are filing this Preliminary Motion for Class Certification at this time because recently it has become common practice for defendants in these types of cases to attempt to moot the named plaintiffs' claims by way of a Rule 68 Offer of Judgment to disqualify the plaintiffs from acting as class representatives.

Discovery will be needed to brief the motion, and it is our intention to issue discovery as soon as possible. Plaintiffs propose that the court grant plaintiff permission to take

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## FACSIMILE TRANSMISSION

TO: The Honorable Cathy Seibel  
FAX NO: 914-390-4278  
FROM: Daniel A. Edelman (/ec)  
RE: *Cleotilde Rock and Tracy Claxton v. Moss Codillis LLP, et al., No. 10 CIV 03106*  
FILE NO: 24264  
DATE: June 7, 2010 PAGES: 3 (including cover)

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Comments: Letter to Judge Seibel requesting pre-motion conference and permission to file Motion and Memorandum in Support of Class Certification (sent via e-mail to counsel for Defendants)

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